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Attorney for the Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	Case No.: 2:16-cr-042-JAD-GWF
)	
Plaintiff,)	<u>STIPULATION TO CONTINUE</u>
)	<u>SENTENCING</u> (Third Request)
vs.)	
)	
TIMOTHY J. WALKER,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Elham Roohani, Assistant United States Attorney, counsel for the United States of America, and William Carrico, Esq. counsel for the Defendant TIMOTHY J. WALKER, that the sentencing currently scheduled for December 5, 2016, be vacated and be continued to a date and time convenient to the Court, but no sooner than 60 days.

This Stipulation is entered into for the following reasons:

1. Assistant United States Attorney Elham Roohani is awaiting certain documentation needed to determine whether any appropriate motions will need to be filed prior to sentencing.
2. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the Government and Defendant sufficient time

1 within which to effectively and thoroughly prepare for the sentencing hearing

2 3. The defendant is not in custody, and does not object to the continuance.

3 4. The parties agree to the continuance.

4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.

6 6. This is the third requested continuance of sentencing from the parties.

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8 DATED this 28th day of November, 2016.

9 DANIEL G. BOGDEN,
10 United States Attorney

WILLIAM CARRICO, ESQ.

11 By: /s/ Elham Roohani
12 ELHAM ROOHANI
Assistant United States Attorney

By: /s/ William Carrico
WILLIAM CARRICO, ESQ.
Counsel for Timothy J. Walker

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 TIMOTHY J. WALKER,

8 Defendant.
9

Case No.: 2:16-cr-042-JAD-GWF

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

- 13 1. Assistant United States Attorney Elham Roohani is awaiting certain
14 documentation needed to determine whether any appropriate motions will need
15 to be filed prior to sentencing.
- 16 2. The additional time requested herein is not sought for purposes of delay, but
17 merely to allow counsel for the Government and Defendant sufficient time
18 within which to effectively and thoroughly prepare for the sentencing hearing
- 19 3. The defendant is not in custody, and does not object to the continuance.
- 20 4. The parties agree to the continuance.
- 21 5. Additionally, denial of this request for continuance could result in a miscarriage
22 of justice.
- 23 6. This is the third requested continuance of sentencing from the parties.

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CONCLUSIONS OF LAW

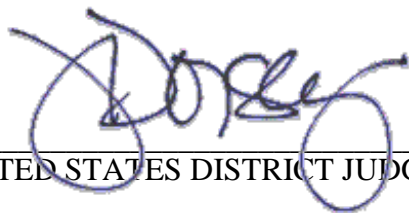
7 The ends of justice served by granting said continuance outweigh the best interest of the
8 public and the defendant in a speedy trial, since the failure to grant said continuance would be
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
10 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
11 account the exercise of due diligence.

12 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
13 States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the
14 factors under Title 18, United States Code §§ 3161(h)(7)(B), 3161(h)(7)(B)(iv), and
15 3161(h)(1)(D).

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ORDER

IT IS FURTHER ORDERED that the sentencing currently scheduled on December 5,
2016 at 1:30 p.m., be vacated and continued to February 6, 2017 at 10:00 a.m.

DATED this 29th day of November, 2016.

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UNITED STATES DISTRICT JUDGE